

REMARKS

I. Claim Rejections – 35 U.S.C. §102(b)

Reconsideration is respectfully requested of the Examiner's rejection of Claims 1-5 under 35 U.S.C. 102(b) as being anticipated by Reneau (U.S. Patent No. 4,408,759). The Examiner relied on the Reneau reference as disclosing all the elements of the claims.

A claim is anticipated under 35 U.S.C. §102(b) only if “each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. V. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). Amended Claim 1 a portable and foldable exercise apparatus comprising:

- a. at least one removable, horizontal user gripping bar for supporting at least portion of the force generated by a user during exercise;
- b. a vertical frame capable of supporting at least portion of the force generated by a user during exercise comprising
 - i. ***a free-standing generally rectangular shaped vertical rear support wall and***
 - ii. ***at least one pair of generally rectangular shaped vertical side support frames pivotally attached to said rear support wall to be in an open U-shaped position for use or a closed and compact folded position for storage; and***
- c. at least one user support base having opposing sides and opposing ends and capable of supporting at least a portion of the force generated by a user during exercise,
 - each user gripping bar being removably attached to each of said pairs of vertical side support frames; and***
 - said opposing sides of said user base being removably attached to each of said pairs of vertical side support frames and one end of each user base abutting said vertical rear support wall.***

The Reneau reference discloses a fixed exercise device (i.e. not foldable into a compact and portable device) that provides active two-way resistance through a full range of motion. Col. 1, lines 5-10.

The Reneau reference fails to disclose, at least, the above elements shown in ***bold and italics***. Although the Examiner relied on the L-shaped arms 85 to be the “rear frame” of the present invention and the leg members 15 to be the “vertical side support frames,” these elements in the Reneau reference do not meet the structural requirements of amended Claim 1 of the present invention:

1. the L-shaped arms 85 of the Reneau reference is not the “generally rectangular shaped vertical rear support wall” when the L-shaped arms 85 are tubular in shape intended to be rotated to different positions with respect to the leg members 15; and

2. the leg members 15 of the Reneau reference are not “one pair of generally rectangular shaped vertical side support frames pivotally attached to said rear support wall to be in an open U-shaped position for use or a closed and compact folded position for storage.” The Reneau reference discloses the L-shaped arms 85 being pivotably and frictionally connected to the tubular leg members 15 to provide rotary resistance during exercise. These elements do not pivot to an open U-shaped position or a closed and compact folded position for storage;

3. the handle 50 of the Reneau reference is connected to a rectangular shaped bar 33, which is then slidably and frictionally attached to a brake housing 25 on a support bar 20 that is slidably connected to the leg members 15; however, the gripping bar of the present invention is “removably attached [directly] to each of said pairs of vertical side support frames;” and

4. the Reneau reference fails to disclose a base with “opposing sides” being “removably attached to each of said pairs of vertical side support frames” and with “one end” “abutting said vertical rear support frame.”

Therefore, the Reneau reference differs in construction and fails to disclose “each and every element” of amended Claim 1 and all claims dependent therefrom, as required under a §102(b) rejection. Hence, Claims 1-5 are not anticipated by the Reneau reference.

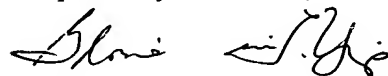
II. Conclusion

If the Examiner has any questions on the above and believes a telephone conference will aid in the allowance of the application, please contact the undersigned by telephone.

Applicant respectfully requests that this Amendment be entered because it only requires reconsideration of arguments previously presented to the Examiner, a cursory review by the Examiner, and does not raise issue of new matter nor requires additional search.

By virtue of the Applicants’ amendment to the claims and remarks thereto, all outstanding grounds of rejection and objection have been addressed and dealt with and, based thereon, it is believed that the application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,



Gloria Tsui-Yip
Attorney for Applicant
Reg. No. 42,188
STOLL, MISKIN & BADIE
350 Fifth Avenue, Suite 4710
New York, NY 10118
(212) 268-0900